

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 29, 2005

DIVISION ONE

B176725 English (Not for Publication)
v.
McKenna et al.

The judgment is affirmed. Respondents are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B183789 Kane et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Inclan et al., r.p.i.)

The petition is granted, and a peremptory writ shall issue commanding the trial court to vacate its April 19, 2005 order denying Kane's motion to dismiss, and to issue a new order granting that motion and dismissing the Inclans' action against Kane. Kane is entitled to his costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B180918 People (Not for Publication)
v.
Hoyt

The order under review is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B180933 People (Not for Publication)
v.
Vasquez

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B177591 People (Not for Publication)
v.
Sims

The judgment is affirmed with directions to the superior court to determine the number of days of presentence custody credit earned by appellant from the date of his arrest to the date of his sentencing in accordance with section 2900.5. The superior court is directed to amend the abstract of judgment for the indeterminate sentence by inserting the custody-time credits and to correct the abstract of judgment for the determinate sentence by filling in item No. 9 to indicate that the sentence in count 2 is to be served concurrently with the sentence in count 1.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B176884 People (Not for Publication)
v.
Brandon M.

The order of wardship is reversed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B179447	J&F Investments LLC, et al. v. Sanford Deutsch	(Not for Publication)
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The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B174227 People (Not for Publication)
v.
Smith

The abstract of judgment and minute order are ordered modified as set forth herein. The clerk of the superior court is ordered to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

November 29, 2005 (Continued)

DIVISION THREE (Continued)

B179870 People (Not for Publication)
v.
Senegar

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B172737 Prospect Medical Group, Inc. et al.
B172817 v.
Northridge Emergency Medical Group et al

Filed order vacating submission order of August 9, 2005. Due to the press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

B171111 Quinn Emanuel Urquhart Oliver & Hedges, LLP et al
v.
LaTorraca and Goettsch, a Law Partnership et al.

Filed order vacating submission order of August 17, 2005,. Due to the press of other court business and the complexity of the issues in this case, a brief additional amount of time is needed to complete and file the opinion in this matter.. Cause resubmitted.

DIVISION FOUR

B179633 People (Not for Publication)
v.
Elam

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

B182508 Los Angeles County, D.C.S. (Not for Publication)
B184081 v.
Earline J.

The orders are reversed and the causes remanded for compliance with the notice requirements of the ICWA. If, after proper notice, a tribe asserts its right under the ICWA to intervene in the state court, or to obtain jurisdiction over the proceedings by transfer to the tribal court, the cause shall proceed in accordance with the tribe's election. If there is no intervention or assertion of jurisdiction by any tribe after proper notice, then the juvenile court's orders shall be reinstated.

Epstein, P.J.

We concur: Curry, J.
Willhite, J.

B181445 Jiang v. Wang (Not for Publication)

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J.

DIVISION FOUR (Continued)

B177122 Chezek (Not for Publication)
v.
Aramark Uniform & Career Apparel, Inc.

The order denying Aramark’s petition for an order compelling arbitration is reversed. The cause is remanded with directions to the trial court to enter a new and different order granting Aramark’s petition to compel arbitration in accordance with the arbitration agreement. Each party is to bear its own costs of appeal.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

B178864 Mulder (Not for Publication)
v.
Pilot Air Freight et al.

The order of the court denying the motion to strike is affirmed. Respondent is to have his costs on appeal.

Epstein, P.J.

We concur: Hastings, J.
 Willhite, J.

B177146 Aral (Certified for Publication)
v.
Earthlink, Inc.

The order denying the petition to compel arbitration and to dismiss or stay court proceedings is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

DIVISION FOUR (Continued)

B175130 People (Not for Publication)
v.
Barragan et al.

In regard to Adrian Barragan, his two convictions for attempted murder (and supporting enhancements) are reversed. If trial on those two charges (and enhancements) is not commenced within 60 day of the issuance of the remittitur (section 1382, subd. (a)(2)), the trial court shall resentence him. In all other respects, the judgment entered against Adrian Barragan is affirmed. In regard to Daniel Barragan, the judgment is affirmed in its entirety.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J.

B179193 Caesar (Not for Publication)
v.
Asian Rehabilitation Services, Inc.

The judgment is reversed as to the cause of action for wrongful termination in violation of public policy and remanded for further proceedings; it is affirmed as to all other causes of action. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Curry, J.
Willhite, J.

DIVISION SIX

B176084 Hensley
v.
Weisz

The petition to proceed is denied and the appeal is dismissed.

November 29, 2005 (Continued)

DIVISION SIX (Continued)

B183450 Coulombe (Not for Publication)
v.
County of Ventura

The judgment is affirmed. Respondent shall recover its costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B174671 Gorlin (Not for Publication)
v.
Jacobson, et al.,

The judgment is affirmed. Costs to defendants.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B176757 Lee (Not for Publication)
v.
Fick, et al.

The judgment (order) granting the anti-SLAPP motion as to the first cause of action is affirmed. The judgment (order) denying the motion as the third, fifth and sixth causes of action is reversed. Costs are awarded to the Ficks. Finally, the Ficks as the prevailing party in the anti-SLAPP motion are entitled to attorneys' fees. The amount of such fees is for the trial court to determine on remand.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B176162 People (Not for Publication)
v.
Alejandro A.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B178826 Southern California Edison (Not for Publication)
v.
HPS Mechanical, Inc.,

The judgment is affirmed. Costs to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B178925 People (Not for Publication)
v.
Cerde

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

November 29, 2005 (Continued)

DIVISION SIX (Continued)

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The commitment order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B177527 People (Not for Publication)
v.
Morze

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B178947 People (Not for Publication)
v.
Ragus

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

November 29, 2005 (Continued)

DIVISION SIX (Continued)

B180464 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B178750 Ackerman (Not for Publication)
v.
Franchise Tax Board

The judgment is affirmed. Each party to bear their own costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B177913 McVeigh (Not for Publication)
v.
California Dept. of Alcohol Beverage Control

The judgment of the superior court is reversed. On remand, the superior court is directed to enter judgment for the ABC. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B177835	People v. Santos
B178417	People v. Milam
B179302	People v. Aguilar
B180791	People v. Handy
B182377	DCFS v. Edward C.
B183823	DCFS v. Raymond M.
B173840	People v. Bermudez
B181115	People v. Lopez
B182530	DCFS v. Joetta D.
B185475	Dorena C. v. SCLA (DCFS)

Argument waived, cause submitted.

B176999	Wallace
	v.
	Southwest Airlines

Matter continued to December 19, 2005.

B181302	Herman,
	v.
	Toppel;
	Jasiowka

Merits:

Argued by James Link for appellant and by Thomas Beltran and Marshall A. Oldman for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B178679 Bradley,
 v.
 Radisson Hotel et al.;
 L.A. Neighborhood

Merits:

Argued by Wendy Rossi for appellant and by Michael J. Nunez and Denise A. Nardi for respondents. Cause submitted.

B180525 California Insurance Guarantee Association,
B183529 v.
 Workers Compensation Appeals Board (State Of California)

Merits:

Argued by Richard E. Guilford for petitioner and by Carol W. Schultz, Deputy Attorney General for respondent. Cause submitted.

Boland, J. leaves the bench.

B183741 Stamps
 v.
 Superior Court, Los Angeles County
 (Kenny-Shea-Traylor et al., r.p.i.)

Merits:

Argued by Holly N. Boyer for petitioner and by Margaret Johnson for real parties in interest. Cause submitted.

Court recessed at 11:11 a.m.

Court reconvened at 1:00 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

DIVISION EIGHT (Continued)

B173169 People
 v.
 Presley

Merits:
Argued by Edward J. Haggerty for appellant and by Allison H. Chung,
Deputy Attorney General for respondent. Cause submitted.

B180844 People
 v.
 Baker

Merits:
Argued by Vanessa Place for appellant and by Joseph Lee, Deputy
Attorney General for respondent. Cause submitted.

B180495 People
 v.
 Mgrabyan

Merits:
Argued by Jilbert Tahmazian for appellant and by Jack Newman, Deputy
Attorney General for respondent. Cause submitted.

B181187 Domel
 v.
 Newhall Land and Farming Company,

Merits:
Argued by Dennis M. Elber for appellant and by Daniel E. Kenney for
respondent. Cause submitted.

Boland, J. leaves the bench.

DIVISION EIGHT (Continued)

B180744 Gunnell,
 v.
 Silas;
 Bissell

Merits:

Argued by James E. Arden for appellant and by Martina A. Silas respondent in propria persona. Mitchell Mulbarger appears for respondent Bissell and waives argument. Cause submitted.

Boland, J. returns to the bench.

Rubin, J. leaves the bench.

B175351 Hastings
 v.
 Lyon Management Group, Inc., et al.,

Merits:

Argued by Rami Kayyali for appellant and by Dawn M. Oster for respondents. Cause submitted.

Court adjourned.

B185560 Mildred M., (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children And Family Services, r.p.i.)

The petition is denied on the merits. This opinion is final forthwith as to this court. (Cal. Rules of Court, rule 24(b)(3).)

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

DIVISION EIGHT (Continued)

B181179 Krawetz (Not for Publication)

v.

Destiny Properties and Development, Inc.,

The judgment is affirmed. Adrienne Krawetz is to recover her costs on appeal.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B181039 People (Not for Publication)

v.

Paul R. Dunn

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.